

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/501,566 (Q101072)

AMENDMENTS TO THE DRAWINGS

Applicants kindly request replacement of outstanding Figures 8-33 with replacement Figures 8-31 attached hereto.

Attachment: 26 (Twenty six) Replacement Sheets

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REMARKS

Amended claim 20 and new claims 116-118 are pending in the application. Claim 20 is amended; claims 1-19 and 21-115 are cancelled; and new claims 116-118 are added. Support for the amendment to claim 20 and new claims 116-118 is found, *inter alia*, at page 84, lines 13-16 and at page 102, lines 4-9 of the specification; and page 28, line 17 to page 29, line 2 and Example 20, pages 231-233. No new matter is added. Entry of the Amendment is respectfully requested.

In order to compact prosecution and without prejudice or disclaimer the specification is herewith amended to replace the title and capitalize trademark names and insert generic terminology related thereto. The specification is amended to insert sequence identification numbers (i.e., in the Brief Description of the Drawings) and to make the same consistent with replacement Figures 8-31. In view of the numerous required amendments, and for the Examiner's convenience, Applicants hereby file simultaneously herewith a substitute Specification (including a clean and marked-up version thereof).

I. FORMALITIES

A. Restriction Requirement and Reservation of Non-Elected Subject Matter

At paragraph 1, on page 2 of the Office Action, the Office acknowledges Applicants' election without traverse of Group I, claims 1-4, 11, and 20. At paragraph 2, on page 2 of the Office Action, the Office indicates that claims 3, 5-10, 12-19, 23-24 and 27-28 are withdrawn. Applicants reserve the right to pursue all non-elected subject matter.

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B. The Amendment Of November 26, 2007 Is Entered

At paragraph 4, on page 2 of the Office Action, the Office notes that the response filed November 26, 2007, has been entered in full. Accordingly, claims 1-20, 23-24 and 27-28 are pending, and claims 1-2, 4, 11 and 20 are under examination. Upon entry of the present Amendment, Claim 20 is amended, claims 1-19 and 21-115 are cancelled, and new claims 116-118 are added.

C. The Claim To Priority Is Acknowledged

The Applicants thank the Office for acknowledging the papers submitted under 35 U.S.C. § 119(a)-(d). The Examiner has acknowledged that “all” copies of the certified copies of the priority documents have been received.

D. There Are No Outstanding PTO/SB/08As

The Applicants thank the Office for acknowledging the Information Disclosure Statements submitted on July 15, 2004, and December 9, 2005. No PTO/SB/08As are pending at this time.

E. The Sequence Listing Is Proper Under 37 C.F.R. §1.821 through §1.825

At paragraph 7, on page 3 of the Office Action, the Office indicates that the application contains sequence disclosures which must comply with the requirements of 37 C.F.R. §1.821 through §1.825. Applicants herewith submit a substitute sequence listing pursuant to 37 C.F.R. §1.821.

Withdrawal of the objection to the Sequence Listing is therefore kindly requested.

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F. The Drawings Are Proper Under 37 C.F.R. §1.84

At paragraphs 8-11, on page 4 of the Office Action, the Office objects to the drawings. Applicants herewith submit replacement drawings thereby overcoming the objection. Each drawing replacement sheet is properly labeled "Replacement Sheet" per 37 C.F.R. §1.84(c).

Withdrawal of the objection to the drawings is therefore kindly requested.

G. The Specification Is Proper Under MPEP § 608.01(v) and § 606

At paragraph 12, on page 5 of the Office Action, the Office generally objects to the disclosure of the specification alleging improper use of trademarks and for including an allegedly non-descriptive title.

To compact prosecution, Applicants herewith submit a substitute specification in which the trademarks are capitalized and are accompanied by the corresponding generic indicia. Solely to compact prosecution, Applicants herewith amend the title of the invention. Accordingly, the Specification is proper under MPEP § 608.01(v) and § 606.

Withdrawal of the objection to the specification is therefore kindly requested.

II. THE CLAIMS ARE CONSISTENT WITH APPLICANTS' ELECTION

At paragraph 15, on page 5 of the Office Action, the Office objects to claims 1 and 2 alleging that claims 1 and 2 encompass non-elected inventions.

Applicants herewith amend the claims without prejudice or disclaimer. Applicants' amendments render the objection moot.

Withdrawal of the claim objection is therefore kindly requested.

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III. THE CLAIMS ARE PROPER UNDER 35 U.S.C. § 101

At paragraphs 16 to 17, on page 6 of the Office Action, the Office rejects claims 1, 2 and 4 under 35 U.S.C. §101 allegedly because the claimed invention is directed to non-statutory subject matter.

Solely to advance prosecution, Applicants herewith amend the claims without prejudice or disclaimer. Applicants' amendments render the rejection moot.

Withdrawal of the rejection is therefore kindly requested.

IV. THE CLAIMS ARE ENABLED UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

At paragraph 18, on page 6 of the Office Action, the Office rejects claims 1-2, 4, 11 and 20 under 35 U.S.C. §112, first paragraph as allegedly lacking enablement. The Office admits that the specification enables an isolated protein consisting of or comprising the amino acid sequence SEQ ID NO:1.

The Applicants herewith amend the claims without prejudice or disclaimer. Applicants' amendments render the lack of enablement rejection moot.

Withdrawal of the lack of enablement rejection is therefore kindly requested.

V. THE CLAIMS ARE ADEQUATELY DESCRIBED UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

At paragraph 26, on page 10 of the Office Action, the Office rejects claims 1-2, 4, 11 and 20 under 35 U.S.C. §112, first paragraph, as allegedly lacking a written description.

The Applicants herewith amend the claims without prejudice or disclaimer. Applicants' amendments render the lack of written description rejection moot.

Withdrawal of the lack of written description rejection is therefore kindly requested.

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VI. THE CLAIMS ARE DEFINITE UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

At paragraph 34, on page 13 of the Office Action, the Office rejects claims 1, 2, 4, 11 and 20 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Claim 20 is amended without prejudice or disclaimer and is now consistent with the Examiner's statement in paragraph 42 of the Office Action. Support for the amendment can be found, for example, at page 84, lines 13-16 and at page 102, lines 4-9 of the specification. Regarding claims 1, 2, 4, 11, the Applicants herewith cancel the claims without prejudice or disclaimer. Applicants' amendments render the indefiniteness rejection moot.

Withdrawal of the lack of indefiniteness rejection is therefore kindly requested.

VII. THE CLAIMS ARE PATENTABLE UNDER 35 U.S.C. § 102(b) AND (e)

At paragraph 40, page 14 to 15 of the Office Action, the Office rejects claims 1, 2, 4, and 20 under 35 U.S.C. §102(b) and (e) as allegedly lacking novelty.

The Applicants herewith amend the claims without prejudice or disclaimer. Applicants' amendments render the lack of novelty rejection moot.

Withdrawal of the lack of novelty rejections is therefore kindly requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The U.S. Patent and Trademark Office is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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